

REMARKS

Claims 1, 3-7 and 9-12 are now present in this application. Claims 1 and 7 are independent.

Claims 2 and 8 have been canceled, and claims 3, 5, 6, 9, 11 and 12 have been amended.
Reconsideration of this application, as amended, is respectfully requested.

ELECTION REQUIREMENT

The Examiner has set forth an Election of Species Requirement as follows:

<u>Species</u>	<u>Description(s)</u>
1	a laser module package ... corresponding to claims 1 and 7; and
2	a laser module package ... corresponding to claims 2 and 8.

ELECTION

In order to comply with the Examiner's Election of Species Requirement, Applicants provisionally elect Species 1, readable on claims 1, 3-7 and 9-12, for prosecution in the present application. Applicants reserve the right to file a Divisional application directed to the non-elected claims at a later date, if so desired. This requirement for election of species is respectfully traversed for the reasons set forth below.

At the outset, Applicants submit that the election requirement, which requires an election between grouping of claims, is improper on its face, because MPEP 806.04(e) clearly and unmistakable states that "*Claims are never species.*" (emphasis original). For at least this reason, the requirement for election must be withdrawn.

In addition, as set forth in 37 C.F.R. § 1.146, a reasonable number of species are permitted in a single application. The present application contains a reasonable number of species. Further, examination of all of the species together in one application would not place an undue burden on the Examiner. It is respectfully submitted that the Examiner's Election of Species Requirement is improper in view of the fact that a reasonable number of species are set forth in the present application.

Accordingly, in view of the above remarks, reconsideration of the requirement for election of species, and an action on all of the claims in the application, are respectfully requested.

Favorable action on the present application is earnestly solicited.

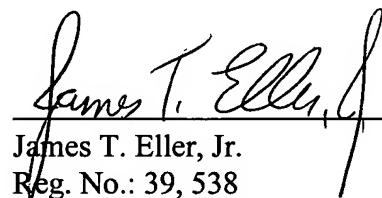
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (703) 205-8000, in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By:


James T. Eller, Jr.
James T. Eller, Jr.
Reg. No.: 39, 538

JTE:mmi

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000